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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,444	10/31/2000	Symon Reuben Brewer	78501 (32-126 USPCT)	9030
27975 7590 09/07/2007 ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791			EXAMINER AGHDAM, FRESHTEH N	
			ART UNIT 2611	PAPER NUMBER
			NOTIFICATION DATE 09/07/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

creganoa@addmg.com

Office Action Summary

Application No.

09/674,444

Applicant(s)

BREWER, SYMON REUBEN

Examiner

Freshteh N. Aghdam

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-12 and 15-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-12 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-6, 15, 17-20 is/are rejected.
- 7) ☒ Claim(s) 7-9 and 21-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 6/1/2007 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claims 1-3, 5, 10, and 15 are objected to because of the following informalities:

As to claim 1, lines 5-6, the phrase "offset reference clock signal" should be replaced by "jitter-free offset reference clock signal."

As to claim 1, lines 8-9, the phrase "said reference clock signal" should be replaced by "a reference clock signal."

As to claim 1, lines 10-11, the phrase "offset reference clock signal" should be replaced by "jitter-free offset reference clock signal."

As to claim 2, line 2, the phrase "offset reference clock signal" should be replaced by "jitter-free offset reference clock signal."

As to claim 3, lines 2-3, the phrase "offset reference clock signal" should be replaced by "jitter-free offset reference clock signal."

As to claim 5, line 2, the phrase "said sampling the times" should be replaced by "said sampling times."

As to claim 10, line 6, the phrase "offset reference clock signal" should be replaced by "jitter-free offset reference clock signal."

As to claim 10, line 12, the term "items" should be replaced by "times."

As to claim 15, line 6, the phrase "offset reference clock signal" should be replaced by "jitter-free offset reference clock signal."

As to claim 15, line 9, the phrase "said reference clock signal" should be replaced by "a reference clock signal."

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 15, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki et al (JP 03256430).

As to claims 1, 5, 15, 19-20, Seki discloses a method of and/ or apparatus for measuring jitter in digital data communication system comprising: forming a jitter free offset reference clock signal from the input signal being offset by a predetermined phase/ frequency amount from the input signal (Fig. 1, S1, S4, and T1, blocks 3 and 11), wherein the jitter free offset reference clock signal (T1) moves relative to a transition point for bits of the input signal; sampling the input signal with only a reference clock signal at sampling times determined by an integer multiple of the frequency of the jitter free offset reference clock signal (block 2; Par. 17), such that, in the absence of

jitter and said offset by a predetermined frequency, there are a predetermined number of sampling times (Par. 17-19; 6 times B); detecting occasions when the number of sampling times in any bit of said digital signal is different from the predetermined number (Par. 18-19); counting said occasions over a predetermined time (Par. 17-19); and deriving at least one measure of jitter from said counting of said occasions (Par. 17-19). Seki is not explicit about the input signal is a digital signal. However, one of ordinary skill in the art would recognize that it is desirable to perform signal processing in a digital domain because of the ease and efficiency with which digital signals can be manipulated. Therefore, it would have been obvious to one of ordinary skill in the art to convert the input signal (if it is not already in digital form) to digital signal for the reason stated above.

As to claims 2 and 17, Seki discloses that said jitter free offset reference clock signal is formed by extracting a clock signal from said digital signal and offsetting said clock signal by said predetermined frequency amount (Fig. 1, T1).

As to claims 3 and 18, Seki is not explicit about smoothing the offset reference clock signal. However, one of ordinary skill in the art would recognize that smoothing the jitter free offset reference clock signal would result in more accurate phase measurements, and resulting in improved jitter measurement. Therefore, it would have been obvious to one of ordinary skill in the art to smoothing the jitter free offset reference clock signal for the reason stated above.

As to claim 6, Seki further discloses that the predetermined time is inversely proportional to the product of the bit rate of the input signal and the predetermined frequency amount (Fig. 1, blocks 2 and 11).

Allowable Subject Matter

Claims 10-12 and 16 are allowed. Claims 7-9 and 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freshteh N. Aghdam whose telephone number is 571-272-6037. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Freshteh Aghdam
Examiner
Art Unit 2611

August 21, 2007


CHIEH M. FAN
SUPERVISORY PATENT EXAMINER